

REMARKS

Claims 42-77 were presented for examination. Claims 42-49, 51-70, 73 and 74 were rejected, and claims 50, 71, 72 and 75-77 objected. In the present amendment, the drawings have been modified to address the Examiner's drawings objection, and claims 42 and 69 have been amended and claim 50 canceled. Upon entry of the present amendment, claims 42-49 and 51-77 will be presently pending in this application, of which claim 42 is independent. Applicants submit that claims 42-49 and 51-77, as amended, are in condition for allowance.

The following comments address all stated grounds of rejection. Applicants respectfully urge the Examiner to pass the claims to allowance in view of the remarks set forth below.

Drawing Amendments

The Examiner objected to the drawings because they fail to show a deformable pad with reference number 101 as described in the specification. Figure 3 is hereby amended to include a reference number 101 and an arrow pointing out the deformable pad as originally provided in the figure. Applicants submit that the above drawing amendments are not directed to any art rejection. No new matter has been introduced.

Drawing Objections

The Examiner objected to the drawings for failing to show every feature specific in the claims under 37 CFR 1.83(a). Specifically, the Examiner indicates that the feature of a frustoconical ring recited in claim 42 is not shown in the drawings. Applicants respectfully disagree with the Examiner and contend that the drawings show this claim feature. Applicants respectfully direct the Examiner's attention to the three layers 17 of Figure 2. The three layers

form a frustoconical ring created by deforming a combination of a layer of plastic film, adhesive material and a release liner layer in a suitably shaped mould from the two halves (19 and 21, Figure 2) of the moulding die. As such, the drawings show the feature of a frustoconical ring. Therefore, Applicants respectfully request the Examiner to withdraw this objection.

The Examiner objected to the drawings under 37 CFR 1.83(a) for failure to show a deformable pad 101 as stated on page 7, line 30 of the specification. Applicants submit herewith an amended drawing of Figure 3 to provide a reference number 101 with an arrow to point out the deformable pad in Figure 3. Therefore, Applicants respectfully request the Examiner to withdraw this objection.

#### Claim Amendments

Independent claim 42 is hereby amended to include the allowable subject matter cited by the Examiner in dependent claim 50. As such, claim 50 has been canceled. Independent claim 42 has been further amended to address an informality of the Examiner's claim objection as discussed below. No new matter has been introduced. Applicants submit that the presently pending claims are in condition for allowance.

#### Claim Objections

Claims 42-77 were objected to because of informalities with the following phrase recited in independent claim 42:

“...wherein the opening is surrounded by one of (i) a pliable unreinforced convex formation on a bodyside face of the pad; and (ii) a hollow frustoconical ring extending outwardly from a bodyside face of the pad.”

Claims 43-77 depend on and incorporate the claim limitations of independent claim 42, and therefore are objected to because of the above informalities with claim 42.

The Examiner indicates that the specification describes two different embodiments of the deformable pad. One embodiment has “a pliable unreinforced convex formation on a bodyside face of the pad,” and a second embodiment has “a hollow frustoconical ring extending outwardly from a bodyside face of the pad.” The Examiner contends that claim 42 recites both embodiments existing on the bodyside face of the pad at the same time. Applicants submit that claim 42 properly recites these embodiments in the alternative through the use of the phrase “one of” preceding these two embodiments in the claim language. The phrase “one of” expresses that the opening recited in claim 42 is surrounded by either (i) a pliable convex formation or (ii) a hollow frustoconical ring. As such, claim 42 does not recite both embodiments on the bodyside face of the pad at the same time as the Examiner contends. For further clarification of the scope of the phrase “one of,” claim 42 is hereby amended to remove the semi-colon between the alternative embodiments. Therefore, Applicants respectfully request the Examiner to withdraw this objection.

The Examiner objected to claim 69 because of informalities of using the phrase “for removably securing an ostomy bag to the skin of a patient” out of context in the preamble. To address this objection, claim 69 is hereby amended to remove this phrase from the preamble. Therefore, Applicants respectfully request the Examiner to withdraw this objection.

#### Claim Rejections under 35 U.S.C. §103

Claims 42-49, 51-70 and 73-74 are rejected under 35 U.S.C. §103 as being unpatentable over Botten et al. (U.S. Patent No. 6,106,507) (“Botten”) in view of Neumeier (U.S. Patent No. 3,964,485) (“Neumeier”). Applicants respectfully traverse this rejection and submit that Botton in view of Neumeier fails to detract from the patentability of claims 42-49, 51-70 and 73-74.

Independent claim 42 is hereby amended to include the allowable subject matter indicated by the Examiner in claim 50. Claims 43-49, 51-50 and 73-74 depend on and incorporate the patentable subject matter of amended claim 42. As such, Botton in view of Neumeier fails to detract from the patentability of claims 42-49, 51-70 and 73-74. Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of claims 42-49, 51-70 and 73-74 under 35 U.S.C. §103.

**CONCLUSION**

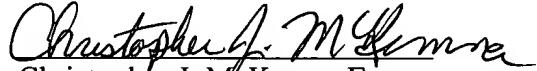
In light of the aforementioned amendments and arguments, Applicants contend that each of the Examiner's rejections has been adequately addressed and all of the pending claims are in condition for allowance. Accordingly, Applicants respectfully request reconsideration, withdrawal of all grounds of rejection, and allowance of all of the pending claims.

Should the Examiner feel that a telephone conference with Applicant's attorney would expedite prosecution of this application, the Examiner is urged to contact the Applicants' attorney at the telephone number identified below.

Respectfully submitted,

LAHIVE & COCKFIELD, LLP

Dated: August 23, 2004

  
Christopher J. McKenna, Esq.  
Registration No. 53,302  
Attorney for Applicants

Lahive & Cockfield, LLP  
28 State Street  
Boston, MA 02109  
(617) 227-7400